

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

| | | |
|--------------------------|---|----------------------|
| UNITED STATES OF AMERICA |) | |
| |) | DOCKET NO. 1:23 |
| v. |) | CR 88 |
| |) | |
| ROGELIO VEGA EVANS |) | FACTUAL BASIS |
| _____ |) | |

NOW COMES the United States of America, by and through Dena J. King, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime(s). The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

1. Defendant Rogelio Vega Evans (EVANS) is not enrolled with the Eastern Band of Cherokee Indians and is not an Indian under federal law. He was born January 17, 1998, making him 24 years old at the time of the charged offense.

2. MV1 is an enrolled member of the Eastern Band of Cherokee Indians (EBCI) and therefore is an Indian under federal law. Her date of birth is January 21, 2011, making her 11 years old at the time of the charged offense.

3. On or about June 18, 2022, EVANS engaged in and caused sexual contact with MV1, that being the intentional touching, directly and through the clothing, of the genitalia and groin of MV1 with the intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

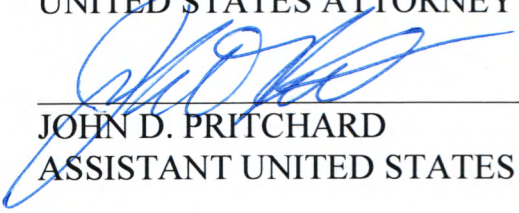
4. To accomplish the sexual contact, EVANS used force against MV1 by physically overpowering her and holding her down.

5. The sexual contact occurred in Indian country, that being within the Qualla Boundary of the Eastern Band of Cherokee Indians reservation.

6. The sexual contact also constituted a sexual act, in that it involved contact between the penis and the vulva involving penetration, however slight.

7. The victim was in the custody, care, or supervisory control of EVANS at the time of the offense.

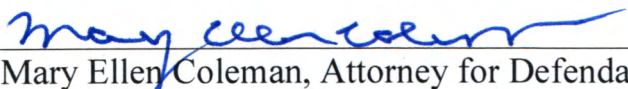
DENA J. KING
UNITED STATES ATTORNEY



JOHN D. PRITCHARD
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, plea agreement, and the Bill of Information in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, plea agreement, and the Bill of Information. I hereby certify that the defendant does not dispute this Factual Basis.



Mary Ellen Coleman, Attorney for Defendant

DATED: 12/8/23